

BS
ENRIQUE MARTINEZ
AE-6602
P.O. BOX 1050
SOLEDAD, CA. 93960-
(PRO-SE)

FILED

MAR 13 2025

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

1
2
3
4 THE UNITED STATES DISTRICT COURT
5 THE NORTHERN DISTRICT OF CALIFORNIA
6
7
8
9
10
11
12

13 ENRIQUE MARTINEZ,) CASE NO.: 22-cv-04707-SK (PR)
14 PLAINTIFF,)
15) PLAINTIFF'S NOTICE AND MOTION FOR
16 VS.) VOLUNTARY DISMISSAL, PURSUANT TO
17 L. ZAVAIA,) 41 OF THE FEDERAL RULES OF CIVIL
18 DEFENDANT.) FEDERAL RULES AND PROCEDURE
19)
20

21 TO: THE ABOVE-ENTITLED COURT AND ALL RELEVANT PARTIES:

22 Relief Sought

23 Plaintiff, Enrique Martinez, moves this Court for an order dismissing
24 this action with prejudice under the provisions of Rule 41(a)(2) of the
25 Federal Rules of Civil Procedure.

26 Grounds For Relief

27 This action should be dismissed because:

28 1. A motion for voluntary dismissal that is not opposed by or not met
with a relevant objection should generally be dismissed. See.,
e.g., *Genty v. Township of Gloucester*, 736 F.Supp. 1322, 1326. As the
affidavit of Enrique Martinez, shows that defendant does not object, the
plaintiff will not gain if dismissed and refiled. The defendant and plaintiff
cannot come to terms of agreement on settlement and due to this fact the
plaintiff believes he will not prevail at trial and therefore would be

1 futile. Additionally, the Plaintiff has superficial injuries and do not meet
2 the minimum standards of serious injuries. The Plaintiff is employed by the
3 CDCR as building porter and uses his damaged hand. This will be exposed at
4 trial and would persuade the jury in the favor of the defendant, because the
5 plaintiff knowingly and intentionally fabricated these injuries; there is not
6 any true medical examination to confirm nor deny this. Therefore, this case
7 should be dismissed with prejudice.

8 2. There is no counterclaim in this action that would prevent the
9 dismissal under Rule 41(a)(2).

10 DATED: February 27th 2025

11 Respectfully Submitted,

12 
13 Enrique Martinez
14 Enrique Martinez--Plaintiff

15 ///
16 ////
17 ////////

18
19
20
21
22
23
24
25
26
27
28